

#494
BILL NO. G-92-01-30

GENERAL ORDINANCE NO. G- 10-92

AN ORDINANCE for the purpose of
vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility
easement within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
dedicated utility easement within the City of Fort Wayne,
more specifically described as follows, to-wit:

The north fourteen (14) feet of Block #33
Interstate Industrial Park Section "D" as recorded
in Plat Book 30, Page 1, within the Recorder's
Office of Allen County, Indiana.

and which vacating allows the dedicated utility easement to
revert to the ownership of the adjacent property owners.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

Clatus R. Edmunds
COUNCILMEMBER

#494

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 10th day of March, 1992,
in the Council Chambers.

Sandra E. Kennedy
Sandra E. Kennedy, City Clerk

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Edmonds, seconded by Delmonico, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-14-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by Delmonico, and duly adopted, placed on its passage. PASSED ~~last~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 3-10-92 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 5-10-92 on the 10th day of March, 1992

ATTEST: (SEAL)
Sandra E. Kennedy Thomas P. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of March, 1992, at the hour of 11:30 o'clock PM, E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of March, 1992, at the hour of 2:30 o'clock P M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 10873

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 12/19 1991

RECEIVED FROM Century Corp. \$ 100.00

THE SUM OF One hundred and 00/100 DOLLARS

ON ACCOUNT OF _____

42595 Leasehold Improvement

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

Date Filed: _____

Vacation Petition

I/We MAGNAVOX ELECTRONIC SYSTEMS COMPANY
(Applicant's Name or Names)

PETITION TO VACATE 14 Ft. Easement " Utility"
(Street, Alley, Utility Easement, Plat,

Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following 14 Ft. Utility easement with the City of Fort
Wayne, Indiana, and hereby described as follows:

The north fourteen (14) feet of Block # 33 Interstate Industrial
Park Section "D" as recorded in Plat Book 30, Page 1 , within the
Recorders Office of Allen County, Indiana.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

As owners of adjacent land on all sides we want to expand our
building

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
14 Ft. Utility Easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 19th DAY OF December 19 91

MAGNAVOX ELECTRONIC SYSTEMS COMPANY

Magnavox Electronic Systems Company
Adjacent Property Owner
Typed Name

Ft. Wayne, Indiana 46808
1313 Production Rd
Address Zip

Thomas W. Biggs
Signature Thomas W. Biggs
Assistant Secretary

Adjacent Property Owner
Typed Name

Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

Adjacent Owners TYPED Name	Property	Address/Zip	Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Michael D. Jernigan
Name
1427 PACIFIC DR.
Street Address
FW / IN / 46819
City/State/Zip
219-429-4371
Phone

RESOLUTION 79-195-7

WHEREAS, MAGNAVOX ELECTRONIC SYSTEMS COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

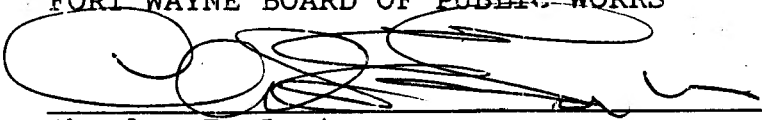
COUNTY OF ALLEN)

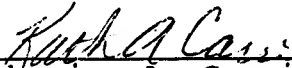
I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

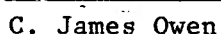
FEBRUARY 12, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 12TH DAY OF February 1992

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Katherine A. Carrier
Member, Board of Public Works


C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, MAGNAVOX ELECTRONIC SYSTEMS COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 27, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA))
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, February 3, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 5th DAY OF February 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

BILL NO. G-92-01-30

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) for the purpose
of vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>C.R. Edmond</u>			
<u>Janet M. Bradbury</u>			
<u>Jan. J. Talarico</u>			
<u>C. Schmidt</u>			
<u>Jan. J. Talarico</u>			

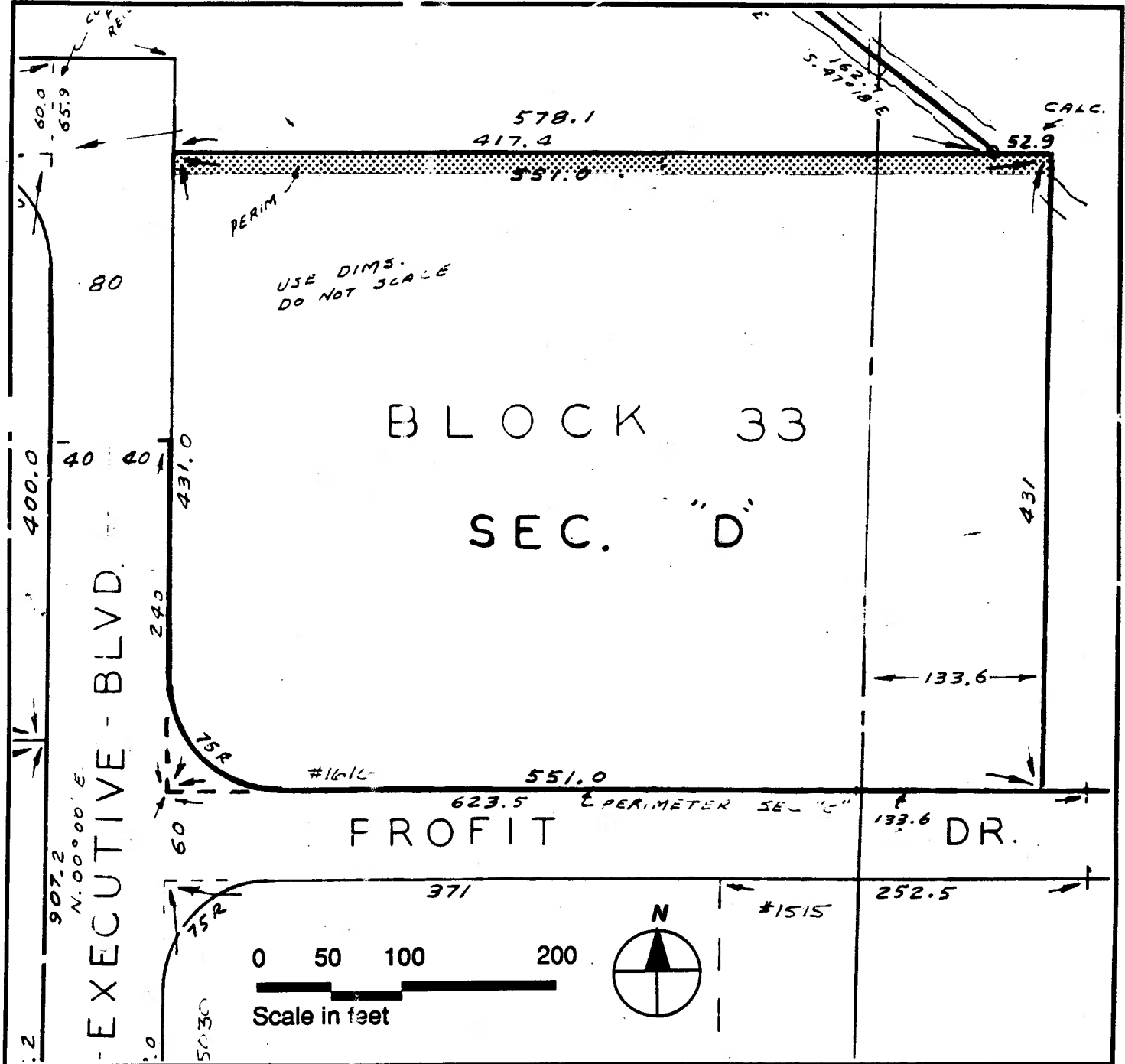
DATED: 3-10-92

Sandra E. Kennedy
City Clerk

VACATION PETITION

AREA MAP

CASE NO. #494



COUNCILMANIC DISTRICT NO. 3

Map No. J-34
LW 12-30-91

R1 One-Family
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

DETAILS

Specific Location and/or Address Interstate Industrial Park (east of Executive Blvd. and south of Research Drive)
Reason for Project To eliminate building encroachment. To allow for future construction.
Discussion (Including relationship to other Council actions) <u>27 January 1992 - Public Hearing</u> <p>Miguel Trevino, Senior Civil Engineer for Magnavox appeared before the Commission. Mr. Trevino stated that they would like the easement vacated to enable them to extend and add additional construction to the building. He stated that they do own the properties on both sides of the easement, which runs and dead ends into Spy Run Creek and Executive Blvd.</p> <p>Mark Gensic questioned if the existing building was not already encroaching into the easement.</p> <p>Mr. Trevino stated that it did. He stated that the person who did the initial building spoke with I&M and received a document from them stating that they vacated the easement. He stated that the person was unaware of the need to go through the city.</p> <p>Mark Gensic questioned if there were any utilities in the easement.</p> <p>Mr. Trevino stated that it was strictly an I&M easement.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Magnavox Electronic Systems City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

3 February 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, six (6) voted in favor of the motion.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 19 Decenber 1991

Projected Completion or Occupancy **Date** 6 February 1992

Fact Sheet Prepared by **Date** 6 February 1992

Patricia Biancaniello

Reviewed by **Date** 14 FEBRUARY 1992

Reference or Case Number

#494
ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CED

SYNOPSIS OF ORDINANCE Utility easement vacation - The North 14 feet of
Block #33 Interstate Industrial Park Section "D"

D-99-01-30

EFFECT OF PASSAGE Property is currently a dedicated utility easement. Property will
be vacated and revert to the ownership and use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 21, 1992

Mike Trevino
1427 Pacific Drive
Fort Wayne, IN 46819

NOTICE OF PUBLIC HEARING ON BILL NO. G-92-01-30

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, March 10, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Interstate Industrial Park (east of Executive Blvd. and south of Research Drive) -- To eliminate building encroachment. To allow for future construction.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 21, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of
February 25, 1992, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-01-30
Utility easement

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

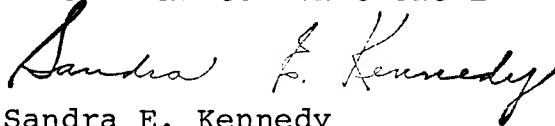
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-01-30)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 10, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana. (A dedicated utility easement)

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

From the Desk of:

Pat Biancaniello

Contact Person:

Mike Trevino
1427 Pacific Dr
City 19

429-4371

F. W. Common Council
(Governmental Unit)

To: The News-Sentinel
P.O. Box 100
Fort Wayne, IN

County, Indiana

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines
at .33 cents per line

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 6.27

\$ 6.27

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Sheri Tatman

Date: Feb. 25, 19 92 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Sheri Tatman who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

2/25/92

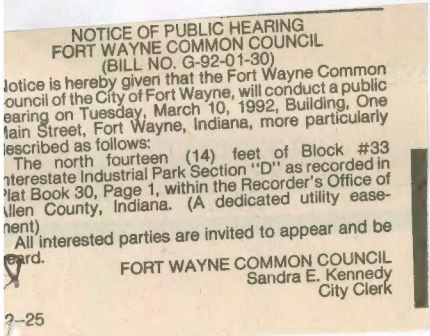
Subscribed and sworn to before me this 25th day of Feb. , 19 92.

Sheri Tatman

SHELLEY R. LARUE

Notary Public Whitley County, IN

My commission expires: March 3, 1994



F.W. Common Council
(Governmental Unit)

County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

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at .33 cents per line \$ 6.27

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

TOTAL AMOUNT OF CLAIM \$ 6.27

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PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-01-30)
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The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana. (A dedicated utility easement)
All interested parties are invited to appear and be heard.
FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

Personally appeared before me, a notary public in and for said county and state, the undersigned Sheri Tatman who, being duly sworn, says that he/she is Clerk of the Journal Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:
2/25/92

Subscribed and sworn to before me this 25th day of Feb., 1992.

Sheri Tatman
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994